REMARKS

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 7, 12, 15, 17-19, and 21-25 stand rejected as obvious over U.S. Patent No. 5,496,032 (Okada) in view of U.S. Patent No. 5,431,042 (Lambert et al.)

Claims 3-6 and 8-11 stand rejected as obvious over Okada in view of U.S. Patent No. 5,470,079 (LeStrange).

Claims 26-29, 31, 32, 35-40, 42, and 45-48 stand rejected as obvious over Okada in view of "Dealing With 'Outliers'" (High).

Claim 20 stands rejected as obvious over Okada and Lambert et al. and further in view of U.S. Publication No. US2004/0033832A1 (Solomon).

Claims 33 and 34 stand rejected as obvious over Okada and High and further in view of U.S. Publication No. US2003/0060280A1 (Oles).

Claims 43, 44, and 49 stand rejected as obvious over Okada and High and further in view of U.S. Patent No. 5,505,461 (Bell et al.).

Claims 51-53, 55, and 58-62 stand rejected as obvious over Okada in view of Bell et al.

Claim Amendments

Independent claims 1, 26, 38, 46, and 51 have been amended to patentably distinguish over Okada, either alone or in combination with other references. Dependent claim 15 has also been amended, and dependent claim 52 has been canceled.

The References

Okada

Okada is directed to a management method for gaming halls having slot machines. A plurality of system control units (SCU) 10a-10p are connected to a main control unit (MCU) 11

that acts as a management computer. A token dispenser is mounted at the side of each slot machine. Each SCU is connected to plural pairs of a slot machine and a token dispenser. For example, SCU 10a is connected to a pair of a slot machine 15a1 and a token dispenser 16a1, a pair of a slot machine 15a2 and a token dispenser 16a2 . . . ., a pair of a slot machine 15a32 and a token dispenser 16a32. The SCU 10a is also connected to a token counter 17a and a money exchanger 18a. The token counter counts tokens to be exchanged for goods and money. (Col. 4, lines 21-43).

In operation, the amount of money received by each token dispenser 16a1 to 16p32 and the number of exchanged tokens are supplied to each corresponding SCU associated with the token dispensers. The number of tokens entered into each slot machine 15a1 to 15p32 and the number of paid-out dividend tokens are supplied to each corresponding SCU. The number of tokens counted by each token counter 17a to 17p is supplied to each corresponding SCU. The amounts of money and the number of tokens are converted into optical data which is sent to the MCU 11. This data is inputted into a local computer 27. (Col. 5, lines 48-60). The local computer calculates the various expected values for the game management system. The expected values are constituted of expected individual values for each slot machine and expected total values obtained through the addition of the expected individual values of all the slot machines in a gaming hall. (Col. 5, lines 61-67).

The comparative results of the expected and actual values of the total sales amount, the number of tokens exchanged for premiums, and the quotient are displayed on a CRT 29 at a predetermined time interval, for example, every 30 minutes. (Col. 8, line 66 to col. 9, line 3). A calculated over-pay condition of each slot machine is displayed and monitored on the CRT 29, providing alarm representations in three colors. (Col. 10, lines 20-24).

Lambert et al.

Lambert et al. discloses a method for monitoring emissions from an internal combustion engine. Event counts associated with the emissions may be displayed for each day, week, month, etc. or any combination of reasonable time periods. (Col. 8, lines 62-68).

High

High is directed to a technique for detecting and dealing with outliers. According to High, outliers are unusual data values that crop up in most research projects involving data collection. (Page 1 of 4).

Bell et al.

Bell et al. discloses a system for meeting the IRS reporting requirements for gaming machines. (Col. 1, lines 10-13). The system eliminates the need to prepare a W2-G Form every time a payout exceeds the predetermined IRS threshold. Instead, the system automatically maintains the information, in a gaming machine, required for an attendant to prepare a single W2-G Form at the end of a playing session. The amount reported on the form is the net jackpot winnings, which is the gross amount of jackpots less the amount wagered from the jackpot proceeds. (Col. 1, lines 59-67).

Applicant's Claimed Invention Would Not Have Been Obvious

Three criteria must be met to establish obviousness. First, the prior art must provide one of ordinary skill in the art with a suggestion or motivation to modify or combine the teachings of the references relied upon in rejecting the claims. Second, the prior art must provide one of ordinary skill in the art with a reasonable expectation of success. Third, the prior art, either alone or in combination, must teach or suggest each and every limitation of the rejected claims. The teaching or suggestion to make the claimed invention, as well as the reasonable expectation of

success, must come from the prior art and not from Applicant's disclosure. If any one of these criteria is not met, a case of obviousness is not established.

Claim 1

Amended claim 1 calls for a warning generating system that is structured to generate a warning signal based on a comparison of the monetary value accepted into a gaming device and the monetary value output from the gaming device for time periods of different durations. Each time period has an associated warning threshold such that the warning signal is generated when the comparison indicates that the warning threshold for a time period is exceeded. As such, gaming device usage can be tracked in a number of different time frames, with each time period having an associated warning threshold. This claimed system, for instance, ensures that an amount of money paid out from a gaming device can be checked every minute such that a large jackpot can be investigated immediately when it occurs. Additionally, other durations allow the claimed system to warn that a player may be cashing out multiple small amounts from a gaming device over a long time. Previous systems would not catch this type of fraud until the end of a shift or at the end of the day. (Applicant's specification, page 14, line 4 to page 15, line 5; page 18, lines 18-23).

Okada and Lambert et al. do not disclose or suggest a warning generator system that operates in this manner. Okada discloses that the tracked results for the total sales amount of all slot machines are displayed for only one time interval, that is, every 30 minutes. (Col. 8, line 66 to Col. 9, line 5). Thus, in this respect, Okada teaches away from Applicant's claimed invention.

Lambert et al. discloses that emission event accounts may be displayed for each day, week or month. (Col. 8, lines 62-63). Lambert et al. is not only directed to a completely different technology from that of Applicant's claimed invention, as well as from that of Okada, it does not disclose tracking results for time periods of different durations wherein each time period has an associated warning threshold such that a warning signal is generated when a comparison

indicates that the warning threshold for a time period is exceeded. Rather, Lamber et al. simply discloses that engine emission counts may be displayed for different time periods.

Claim 26

Amended claim 26 calls for a data calculation system configured to generate a payout warning based on the amount of monetary value accepted into a gaming device and the amount of monetary value output from the gaming device wherein jackpot payouts that occur as the result of game play are excluded in the amount of the monetary value output from the gaming device. This, for example, prevents jackpot amounts from skewing averages used to determine whether to indicate that a particular machine is malfunctioning. (Applicant's specification, page 5, lines 16-19; page 13, lines 25-28).

Okada neither discloses nor suggests a data calculation system that operates in this way. Indeed, in Okada, jackpot payouts are always included in the usage calculations. Thus, Okada clearly teaches away from Applicant's claimed invention.

Moreover, High does not cure this deficiency of Okada. High is directed to a technique for detecting and dealing with outliers. An outlier is a value in a set of data that is so far removed from other values in the distribution of data that its presence can not be attributed to the random combination of chance. (See McGraw Hill Dictionary of Scientific and Technical Terms). A jackpot payout that occurs as a result of game play is not an outlier. Indeed, while a jackpot payout is not the norm, it is neither a rare nor an unexpected event. Indeed, the whole purpose of playing a gaming device is to win a jackpot. If the occurrence of a jackpot was so unexpected or rare, one could hardly expect individuals to play a gaming device.

Further, like Okada, High teaches away from Applicant's claimed invention. Specifically, High notes that "[n]either ignoring nor deleting [outliers] at will are good solutions." (Page 3 of 4). Additionally, High teaches the following: "**Deletion.** Only as a last resort should you delete outliers, and then only if you find they are legitimate errors that can't be

corrected, on lie so far outside the range of the remainder of the data that they distort statistical inferences." (Page 4 of 4).

A jackpot is not a legitimate error. It also does not lie nor so far outside the range of the remainder of the data that it distorts statistical inferences. Rather, a jackpot is an expected and hoped for outcome of game play on a gaming device. As such, High teaches that a jackpot should never be deleted.

Claim 38

Amended claim 38 calls for a gaming device that includes a warning calculator coupled to an input accounter and an output accounter. The warning calculator is structured to generate a payout warning signal based on recorded transactions, and the warning calculator is structured to omit one or more recorded transactions of monetary value generated by the gaming device during play of the gaming device when determining whether to generate the payout warning signal.

There is absolutely no disclosure or suggestion in Okada of omitting one or more recorded transactions of monetary value generated by a gaming device when determining whether to generate a payout warning signal. Rather, in Okada, all amounts outputted by the slot machines are always included in the usage calculations. Thus, in this respect, Okada also clearly teaches away from this feature of Applicant's claimed invention.

Moreover, for the reasons discussed above with respect to claim 26, High does not cure this deficiency of Okada. That is, a recorded transaction of monetary value generated by the gaming device during play of the gaming device, like a jackpot, is not an outlier. Also, as discussed above, High clearly teaches away from deleting such a recorded transaction of monetary value, unless it is a legitimate error or so far outside the range of the remainder of the data that it distorts statistical inferences. A recorded transaction of monetary value generated by a gaming device during play of the gaming device is neither a legitimate error nor some value

that is way outside the range of acceptable values. As such, High teaches that it should never be deleted or omitted.

Claim 46

Amended claim 46 is similar to amended claim 38, and it is allowable for the same reasons.

Claim 51

Claim 51 calls for comparing an amount of monetary value paid by a gaming device to one or more predetermined values. This step includes obtaining an amount of monetary value paid by the gaming device, subtracting an amount of monetary value accepted into the gaming device to obtain a difference value, and comparing the difference value to one or more predetermined values. The one or more predetermined values is modifiable based on the amount of monetary value accepted into the gaming device. This feature can prevent false or unnecessary warning signals if a gaming device has not only paid out a large amount of money, but a large amount of money has also been wagered at the gaming device. Additionally, modifying the threshold values based on the amount of monetary value accepted into a gaming device balances the protection provided by the claimed method with the number of false alarms generated. This feature could also decrease the chance of a false alarm if a player's winnings exceed what the player has put into the gaming device. (Applicant's specification, page 5, lines 19-24; page 17, lines 5-16; page 19, lines 22-29).

As noted in the Office Action, Okada fails to disclose this method. And Bell also fails to disclose this method.

Bell et al. discloses a system that eliminates the need to prepare an IRS W2-G Form every time a payout exceeds the predetermined IRS threshold. This is done by reporting only net jackpot winnings, that is, the gross amount of jackpots won less the amount wagered from the jackpot proceeds. There is no machine lock up in this method. A player continues playing until

he chooses to stop. (Col. 3, lines 43-48). Bell does not disclose modifying the one or more predetermined or threshold values based on the amount of monetary value accepted into the gaming device.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P315).

Dated: 4/25/08

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

William J. Egan, III
Reg. No. 28,411

P.O. Box 70250
Oakland, CA 94612-0250